

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1458 OF 2007

Action Aid India Society

.. Petitioner

v/s.

Vintage Cards and Creations Ltd. and others

.. Respondents

Mr. Anand Grover with Mr. Prakash Mahadik for the petitioner.

Mr. Uday Salunke for the respondent No.1.

Mr. D.P. Adsule, APP for the State.

CORAM : B.H. MARLAPALLE, J.

DATED : 3RD SEPTEMBER,

2007

P.C.

Heard Mr. Anand Grover with Mr. Prakash Mahadik, the learned counsel for the petitioner.

2. In Complaint Case No.171 of 2004, the accused No.4 sought to challenge the order of issuance of process by filing discharge application and thereafter, he had approached this court in Criminal Application No.3039 of 2005 which was disposed off on 18th August, 2005 granting him liberty to approach the Sessions Court. Consequently, he filed Criminal Application No.552 of 2005 which came to be dismissed by the learned Additional Sessions Judge at Pune on 7.4.2007. In paragraphs 24 and 25 of the said judgment and order dated 7.4.2007, there are some observations made against the present petitioner and as per Mr. Grover, some of them are likely to affect the trial of the case on merits as apprehended by accused Nos.1 to 3.

3. It is hereby directed that Complaint Case No.171 of 2004 shall be heard and decided by the learned Judicial Magistrate, First Class, Pune on its own merits and on the basis of the evidence that may be recorded before him and without being influenced by the observations made in paragraphs 24 and 25 by the learned Additional Sessions Judge in his judgment and order dated 7.4.2007. Petition stands disposed of accordingly.

(B.H. MARLAPALLE, J.)